

REFERENCE TITLE: cities; technical correction

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

# HB 2337

Introduced by  
Representative Mason

AN ACT

AMENDING SECTION 9-500.16, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL POWERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-500.16, Arizona Revised Statutes, is amended to  
3 read:

4 9-500.16. Clean burning fireplace ordinance

5 A. By December 31, 1998, a city or town that is located in area A as  
6 defined in section 49-541 shall adopt, implement and enforce an ordinance  
7 that complies with the clean burning fireplace standards adopted by the  
8 metropolitan planning organization that is responsible for air quality  
9 planning in area A. The ordinance shall prohibit the installation or  
10 construction of a fireplace or wood stove unless it is one of the following:

11 1. A fireplace that has a permanently installed gas or electric log  
12 insert.

13 2. A fireplace, a wood stove or any other solid fuel burning appliance  
14 that is any of the following:

15 (a) Certified by the United States environmental protection agency as  
16 in compliance with 40 Code of Federal Regulations part 60, subpart AAA in  
17 effect on July 1, 1990.

18 (b) A wood stove tested and listed by a nationally recognized testing  
19 agency to meet performance standards equivalent to those in 40 Code of  
20 Federal Regulations part 60, subpart AAA in effect on July 1, 1990.

21 (c) Determined by the county air quality control officer to meet  
22 performance standards equivalent to those in 40 Code of Federal Regulations  
23 part 60, subpart AAA in effect on July 1, 1990.

24 3. A fireplace that has a permanently installed wood stove insert that  
25 complies with paragraph 2, subdivision (a), (b) or (c) ~~of this section~~.

26 B. The ordinance shall prohibit the subsequent conversion or  
27 alteration of a permitted fireplace or wood stove to a nonpermitted use.

28 C. The ordinance may provide for exemptions from regulation for  
29 heating or industrial equipment, cooking devices and outdoor fireplaces.